
THE IMPACT AND EFFECTIVENESS OF THE WOMEN RESERVATION ACT, 2023 IN ENHANCING WOMEN'S PARTICIPATION & REPRESENTATION IN INDIAN POLITICS: A COMPREHENSIVE ANALYSIS OF HISTORICAL BACKGROUND, CHALLENGES, AND ALTERNATIVE STRATEGIES

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ABSTRACT

As we all know that India is growing at an exceptional rate, and this 21st century has been predicted to be the Indian century in every field. Being the largest population with the largest democracy in the world, where women comprise 50% of the total population, the participation of women is much lower in India. The constitution of India under Article 14 guarantees "equality" to every citizen of India, but the participation and representation of women in Indian politics at any stage, be it local body elections, state-level elections, or national-level elections, are much below the expected belt.

This paper aims to draw attention to the "WOMEN RESERVATION ACT, 2023", passed by both houses of the Indian Parliament in a special session of the Indian Parliament held in September 2023, and also to analyse the political, social, and psychological aspects of the fewer participation and representation of women in Indian politics. This paper also aims to understand the historical background, status of women in Indian politics, challenges in the implementation of the passed act, and how the bill can be put effectively into practice.

This paper is also pertinent to suggest some alternatives and suggestions to consider for increasing the participation and representation of women in mainstream politics, apart from directly giving reservation to the state legislatures and in single or both houses of the Indian parliament. The participation of women in a nation's growth is very important, and to improve the participation, it is important that their voices, problems, and issues are heard. For that, the increase in participation and representation of women in politics is worth every hour.

INTRODUCTION

The Constitution (One Hundred and Twenty-Eighth Amendment) Bill 2023, aka the Women Reservation Bill, 2023, is being passed by both houses of the Indian Parliament. During the special session of parliament, the bill was introduced in the lower house of parliament, the Lok Sabha (Assembly of People), first on September 20, 2023, and got passed with 454 votes in favour and 2 votes against. On the very next day, i.e., September 21, 2023, the bill was introduced in the Upper House of the parliament, the Rajya Sabha (Assembly of States), and here it also got passed with 214 votes in favour and not a single vote in opposition. On the 29th day of September 2023, the President of India, Ms. Draupadi Murmu, consented for the bill to be enacted and signed; later that same day, the official gazette notified her of the same. After the consent of President Murmu, it is clear that the Women's Reservation Bill, 2023, will be implemented as soon as possible after the first delimitation in 2026 (till then the bill will be kept frozen).¹

WOMEN
Reservation Act, 2023
(106th Constitutional Amendment Act)

OBJECTIVE

- Reserve 1/3rd of total seats in LS and state Legislative Assemblies (LAs) for women

BACKGROUND

- Bill previously introduced in: 1996, 1998, 2009, 2010, 2014
- Related Committees:
 - Committee on the Status of Women in India (1971)
 - Committee under Margaret Alva (1987)
 - Geeta Mukherjee Committee (1996)
 - Committee on the Status of Women (2013)

Key Features

- Articles Inserted:**
 - Article 330A - Reservation for Women in LS
 - Article 332A - Reservation for Women in State LAs
 - Article 239AA - Reservation for Women in NCT of Delhi
 - Article 334A - Reservations to become effective after delimitation is undertaken and Census is conducted
- Time Period:**
 - Reservation to be provided for 15 years (can be extended)
- Rotation of Seats Reserved:**
 - After each delimitation

ARGUMENTS

- In Favour:**
 - Vital step towards gender equality
 - Broader range of perspectives to the decision-making process
 - Helps eliminate discrimination against women in political/public life
- Against:**
 - Delimitation based on 2021 census (yet to be conducted) is mandatory
 - No women's reservation in RS and State Legislative Councils

STEPS AHEAD

- Reservation for women within political parties
- Independent political decision-making by women; overcoming Sarpanch-patism

NEED

- Political Underrepresentation:**
 - Only 82 Women MPs in LS (15.2%) and 31 in RS (13%)
 - On avg, women constitute only 9% of the total members in State LAs

¹ One Hundred and Sixth Amendment of the Constitution of India, Wikipedia (Sept. 19, 2023), https://en.m.wikipedia.org/wiki/Women%27s_Reservation_Bill_2023, (Accessed Feb 15, 2024).

² Women's Reservation Bill 2023 [The Constitution (One Hundred Twenty-Eighth Amendment) Bill, 2023], (Sept. 19, 2023), <https://prsindia.org/billtrack/the-constitution-one-hundred-twenty-eighth-amendment-bill-2023>, (Accessed Feb 14, 2024).

This legislation guarantees a 33% reservation for women in the directly elected Lok Sabha, state legislative assemblies, and state assembly of Delhi. Just because of a lapse in consensus between the different political parties in India, the debate for reservation and representation for women in politics went on for 27 long years, including the lapsed Bill for Reservation of Women in 2010.

WOMEN REPRESENTATION IN POLITICS

According to the report published under the Global Gender Gap Report 2022, India's position ranks 48th out of 148 in terms of political empowerment (the percentage of women's participation in parliament and other ministerial positions). In spite of its rank in the report, India's score is also quite low at 0.267, whereas Iceland is ranked number one with a score of 0.874. India's neighbour Bangladesh has been ranked 9th with a score of 0.546.³

According to the Inter-Parliamentarian Union, the percentage of women in the lower house of the Indian Parliament is much less than that of its neighbouring countries' parliaments, such as Bangladesh, Pakistan, Nepal, and Sri Lanka.

BACKGROUND OF WOMEN'S PARTICIPATION AND REPRESENTATION IN INDIAN POLITICS

Since the independence struggle, there has been debate and discussion about women's reservation. Later, during the Constituent Assembly meetings, the issue came to light, but it was rejected on the basis that, as a democratic nation, equal representation for all groups of people should be given, but gender reservation should not be there.

Later in 1971, a committee was formed "Committee on the Status of Women in India (CSWI)" to collaborate on the data on the status of women in India, which later on highlighted the constant decline of women's participation in Indian politics. The same committee in its report 'Towards Equality', was not in favour of allotting reservation for women in legislative bodies but was in support of providing reservation for women's representation in local body elections, and after this suggestion, a few states provided reservation for women in local body elections

³ Women's Reservation Bill for Gender Equality, (Sept. 23, 2023), <https://www.drishtias.com/daily-updates/daily-news-editorials/women-s-reservation-bill-for-gender-equality>, (Accessed Feb 11, 2024).

accordingly.⁴

In 1988, the National Perspective Plan for Women (Report of 14-member committee under chairmanship of Union Minister Margaret Alva) came into action and suggested, with recommendations that there should be assiduous reservation for women from the local body to that of Parliament in India.³

Later in December 1992, both houses of the Indian Parliament enacted and passed the 73rd and 74th amendments to the Constitution of India, which brought the legislation and obligation for the state governments to reserve 1/3rd seats for women in Panchayati Raj Institutions and the same in urban local bodies, respectively. Within the confines of these reserved seats, one-third are reserved for women of Scheduled Castes and Scheduled Tribes.³

Later in 2001, the National Policy for the Empowerment of Women supported the suggestions provided in the National Perspective Plan for Women in 1988 and stated that the reservation method would be considered for women in higher legislative bodies.³

In 2013, The Ministry of Women and Child Development set up a committee on the status of women, which advocated for ensuring a minimum 50% reservation of seats for women in local bodies, the State Legislative Assembly, Parliament, ministerial levels, and also in all other decision-making bodies of the government.³

In 2015, The Report on the Status of Women in India revealed that the State Assemblies and Parliament are lacking in representation of women.³

CRITERIA TO EVALUATE WOMEN'S PARTICIPATION IN INDIAN POLITICS

The Indian economy today has grown tremendously, 10 times since the 1990s, but the participation level of women in politics is at the same rate. To understand the participation of women in Indian politics, two criteria have to be understood to effectively evaluate women's participation in politics.

1. **Women as Candidates:** When we talk about the number of females contesting in elections, it has grown slightly in the last 2 to 3 decades just because of the awareness

⁴ Women Reservation Act, 2023, Women in Politics (Dec. 6, 2023), <https://www.drishtias.com/to-the-points/Paper2/women-reservation-act-2023-women-in-politics>, (Accessed Feb 13, 2024).

and leadership role opportunities given to them in the patriarchal social system, but when we compare the number of female candidates with the number of male candidates, it has still remained very low. In the General (Lok Sabha) Election of 2019, less than 9% of the 8049 candidates running in the election were female. In local body elections, this number goes much higher as females are being represented with 33% of seats reserved in Panchayati Raj Institution. The number of female candidates in local body elections differs from state to state.⁵

2. **Women as Voters:** The Indian Constitution guarantees equal rights for both men and women to cast vote in elections, because of which the participation of women as voters is much higher than that of candidates. The participation of women as voters has developed a sense that women are interested in politics and want to avail themselves of the opportunity to contest elections. A total of 432 million voters in the 2019 general election were female, out of which 67.18 percent cast their votes.⁵

STATUS OF WOMEN PARTICIPATION AND REPRESENTATION IN

INDIAN POLITICS

Historically, societal norms and the rigid patriarchal mindset have always exploited women and always thought women to be marginalised and ill-treated. The Indian Struggle for Freedom Movement in the 18th and 19th centuries saw an extraordinary and impressive participation of women who acquired leadership positions and put in order to mobilise resources, organising political protests, driving awareness schemes, and fighting movements with dignity and integrity.

After the Indian freedom struggle, the Constitution of India also specified that men and women would be treated equally in all political, social, and economic spheres of public matters. According to the latest data published by the Election Commission of India as of October 2021, the total percentage of women members in the parliament is 10.5%. According to the Inter-Parliamentary Union, the Indian parliament has a lower percentage of female members compared to its neighbours such as Sri Lanka, Pakistan, Nepal, and Bangladesh. The situation of women in legislative assemblies of different states is even worse, with the national average

⁵ Reservation for Women in Politics, (Mar. 17, 2023), <https://www.drishtiiias.com/daily-updates/daily-news-analysis/reservation-for-women-in-politics>, (Accessed Feb 13, 2024).

being a wretched 9%. In the history of Indian politics, the number of women in Lok Sabha (the assembly for representatives of people) has never crossed the line of 15%.¹

The number of women members in the Lok Sabha has slightly increased from 5% in the 1st Lok Sabha to 14.36% in the 17th Lok Sabha. The 2023 composition of the Lok Sabha shows the marginalised representation of women below 15%. A total of 716 females contested the 2019 election (around 9% of the total contestants), of which 78 women members won the election and became Members of Parliament (MPs), compared to only 62 in 2014. The total number of women members in the Rajya Sabha (Upper House) of the Indian Parliament is 24 out of 224 as of now. A total of 102 women serves as parliamentarians in the parliament.⁶

HOW CAN WOMEN'S REPRESENTATION IN INDIAN POLITICS BE IMPROVED AND EFFECTIVELY PUT INTO PRACTICE?

The debate and discussion of representation for women in Indian politics has always been a hot topic, and although some progress has been made in this regard, it is not sufficient. There is still a long way to go. The participation of women is much more important to consider because women have been marginalised and exploited for a longer time and still don't have much representation in decision-making structures. Following are some ways forward to consider for the improvement of women's representation in Indian politics.

- **Increasing Awareness and Education:** By creating opportunities for awareness among women and young girls regarding the rights, duties, and roles they are capable of playing and getting them aware of the importance of their political participation and the aim of neutralising gender parity in politics. Educational programmes and awareness campaigns on different levels can help increase the participation of women in politics.⁵
- **Addressing Gender-Based Violence and Harassment:** The Indian Society has always been dominated by men in all fields, because of which they formed rules, norms, and cultures in favour of them only and not allowed women to participate in external matters of the house or in matters of society or village. Just because of this, gender-based violence and harassment are there, and these are also major obstacles to the

⁶ PRS Legislative Research, Women's Reservation Bill: The issues to consider, THE WIRE (Sep 20, 2023), <https://thewire.in/government/womens-reservation-bill-the-issues-to-consider>, (Accessed Feb 14, 2024).

participation of women in politics. Addressing these issues through the formation of legislation and policies may create a safer and more supportive environment for women to participate in politics.⁵

- **Reforms in the Electoral Process in India:** As of now, the electoral process in India has worked tremendously and tried to give representation to most groups in the Indian parliament or state legislative assemblies, but the participation of women is much behind, so for that reason, reforms can be introduced, such as proportional representation and a preferential voting system, through which it can be ensured that more women get represented in the assemblies.⁵
- **Reservation of Seats:** In December 1992, the Indian Parliament reserved 33% of seats for women in local bodies and legislative assemblies, and it has been a successful and great move in the history of Indian politics, by which the participation of women in lower-level politics has increased. Providing more reservation policies for women can increase their participation and give them opportunities to participate in the decision-making process.⁵
- **Strengthen Independent Decision Making:** It has come to be known that female representatives are being monitored by their male family members, be they husband, father-in-law, father, or brother, who generally guide and influence the female candidates. For strengthening independent decision-making, there should be any system or committee that is independent in nature that unequivocally prohibits family members from involving themselves in and influencing the decisions taken by the female representatives.

These are some important approaches to attracting a greater number of women to participate in Indian politics. For a better understanding and implementation of the above-mentioned points, a well-discussed and multifaceted strategy needs to be addressed first.

PURPOSE OF WOMEN RESERVATION

If any group in the population is not represented proportionately in the political structure, the issues and problems of the group can't be heard at higher levels of politics, and the ability of the group to influence decisions and policy making is very limited. The convention held on the

Elimination of All Forms of Discrimination Against Women stipulates that there should not be discrimination against women in political and public life, and the same should be eliminated. India, being a signatory to the convention, has tried to achieve its aim, but discrimination has continued in matters of the representation of women in decision-making and policy-making bodies.

In 2003, a study was conducted about the effect of reservation for women in local bodies and panchayats. The study showed that the women elected through the reservation are more concerned with public policies, which are closely linked to women's concerns, and the same has been noted by the Standing Committee on Personnel, Public Grievances, Law, and Justice in 2009.

To have the same effect as reservation policies brought in the local bodies and panchayat elections, women participation and representation increased in a very short period of time. The reservation of women in Parliament and State Legislative Assemblies is the need of the hour, and the purpose is to bring the same participation and representation of women to higher-level politics too.

WOMEN RESERVATION ACT, 2023

The Constitution (One Hundred and Twenty-Eighth Amendment) ACT 2023, aka Women Reservation ACT, 2023, is being passed by both houses of the Indian parliament. During the special session of parliament, the bill was introduced in the lower house of parliament, the Lok Sabha (Assembly of People), first on September 20, 2023, and got passed with 454 votes in favour and 2 votes against. On the very next day, i.e., September 21, 2023, the bill was introduced in the Upper House of the parliament, the Rajya Sabha (Assembly of States), and here it also got passed with 214 votes in favour and not a single vote in opposition. On the 29th day of September 2023, the President of India, Ms. Draupadi Murmu, consented for the bill to be enacted and signed; later that same day, the official gazette notified her of the same. After the consent of President Murmu, it is clear that the Women's Reservation Act, 2023, will be implemented as soon as possible after the first delimitation in 2026 (till then the bill will be kept frozen).⁷

⁷ Reservation for Women in Parliament, Women's Reservation [UPSC Polity Notes], (July 5, 2023), <https://byjus.com/free-ias-prep/womens-reservation-bill-upsc-notes/>, (Accessed Feb 12, 2024).

About the Act:

- The Women Reservation Act of 2023 put forward to reserve 33% of total seats in the Lok Sabha; 330A (lower house of Parliament), in all Vidhan Sabhas; Article 332A (state legislative assemblies), and in the Delhi Legislative Assembly; Article 239AA (only Union Territory with its own Legislative Assembly).
- The seats reserved for women may be allotted to different constituencies in the state or union territory by way of a method of rotational allotment.
- The Act also stipulates that the reservation of seats for women shall cease to exist 15 years after the commencement of this Amendment Act, but this provision is subject to the parliament's decision at the time; Article 334A.
- It also stipulates to maintain a one-third quota for Scheduled Castes and Scheduled Tribes women individuals within the seats reserved for SCs and STs in Lok Sabha; Article 332A.

HISTORY OF WOMEN RESERVATION ACT IN INDIA

When the inaugural session of the Constituent Assembly of India was called together at the Constitution Hall, presently the Central Hall of the Old Parliament House, only a single woman leader participated in that entire gathering, and that was Sarojini Naidu. This was the exact position of women in politics when India gained independence. Later, many steps were taken for the development of women's participation in politics.¹

After reserving seats for women in local bodies in 1992, the debate and discussion about ensuring reservation seats for women in the Indian Parliament started, but this task was harder as it looked easy to do. Last year, the Women Reservation Act 2023 came into existence, which put forward the reservation of 33% of total seats in the Lok Sabha, State Legislative Assembly, and State Legislative Assembly of Delhi for women.⁸

In 1996, during the tenure of the Deve Gowda-led United Front (UPA) government, it was

⁸ Radhika Santhanam, Explained | On reservation for women in politics, The Hindu (Mar. 15, 2023), <https://www.thehindu.com/news/national/explained-on-reservation-for-women-in-politics/article66624358.ece>, (Accessed Feb 12, 2024).

introduced in the Lok Sabha as the 81st Amendment Bill in September 1996, but the bill failed to get the approval of the House and was sent to the Joint Parliamentary Committee, which gave its report in December 1996. Due to the dissolution of the Lok Sabha, the bill lapsed and came into discontinuance status.⁸

In 1998, the Atal Bihari Vajpayee-led National Democratic Alliance (NDA) government reintroduced the bill during the 12th Lok Sabha and tried to reinstate its position. When Law Minister M. Thambidurai introduced the bill into Parliament, it failed to collect the passing votes and got lapsed again. The bill was again reintroduced back-to-back in 1999, 2002, and 2003, but every time it failed to pass the markup line and didn't receive majority votes, even though there was full support for the bill within the Congress, the BJP, and the Left Parties.⁸

In 2008, Manmohan Singh-led United Progressive Alliance (UPA) government again brought the bill into consideration and introduced it into the Rajya Sabha (Upper House of Parliament), which referred the bill to the Standing Committee on Personnel, Public Grievances, Law, and Justice, and on March 9, 2010, it was passed with a vote tally of 186 in favour and only 1 in opposition. Although the bill was never taken into consideration on the floor of the Lok Sabha, and later, with the dissolution of the 15th Lok Sabha, the bill also lapsed. At the time, the Rastriya Janta Dal (RJD), the Janta Dal United (JD (U)), and the Samajwadi Party (SP) were its most vocal opponents, as they were demanding a new provision to be added to the bill, which was a 33% reservation for women from backward groups such as Muslim women, women from backward classes, and Dalits within the reserved quota of 33% for women.⁸

The two committees till date have been formed by Parliament to discuss the proposed Women Reservation Bill at different year clocks. Joint Committee of Parliament for the 1996 Bill and Standing Committee on Personnel, Public Grievances, Law, and Justice for the 2008 Bill Both the committees formed so far agreed to reserve seats for women and gave some recommendations, which include:

1. considering reservations for women from backward classes at an appropriate time.
2. To provide reservations for a period of 15 years and to review them thereafter when needed.
3. To develop the method, manner, style, and modalities to reserve seats for women in the

Rajya Sabha and state legislative councils.

During the campaigning for the 2014 general election, the Bhartiya Janta Party (BJP) in its manifesto promised to bring 33% reservation for women in Parliament and State assemblies and repeated the same promise in its 2019 general election manifesto. It becomes increasingly imperative to give utmost importance to this issue, aiming to embattle a political decision-making process that is participatory, responsive, inclusive, equitable, and accountable.

The Women Reservation Bill has encountered six unsuccessful attempts to get passed since its first-time introduction in 1996. The unsuccessful attempts were made in 1996, 1998, 1999, 2002, 2003, and 2008. Bill has been lapsed or deferred many times due to inconsistent political disagreements and resistance.

Finally, on September 20th and 21st, 2023, the Women Reservation Bill was passed with whopping majority numbers from both the houses of parliament and got assent from the President of India on September 29th, 2023. The new passed bill has its roots and stems in the proposed recommendations by different commissions and committees, including the United Nations and the National Commission for Women, which have always advocated for the more and more participation of women in politics.

KEY FEATURES OF THE ACT

For the first time in Indian politics history. The Women Reservation Bill has been put on the floor of Lok Sabha, and the same has been passed, clearing the hurdle of Rajya Sabha. The key features of the Women Reservation Act, 2023, are the following:

- **Reservation for Women in Lok Sabha (Lower House of the Parliament):** The Act passed provides for the insertion of Article 330A to the Constitution of India, which is linked to the provisions of Article 330, which allows reservation of seats for SCs and STs in the Lok Sabha.
 1. The Act allows reserved seats for women to be allotted by rotation to different constituencies in states or Union Territories.
 2. The Act allows for one-third of the seats reserved for SCs and STs to be allotted to SC and ST women on a rotational basis.

- **Reservation for Women in State Legislative Assemblies:** The passed Act provides for the insertion of Article 332A, which commands and mandates the seats to be reserved for women in State Legislative Assemblies. Moreover, one-third of the seats reserved for SCs and STs must also be allocated to women, and one-third of the total seats in the legislative assemblies should be reserved for women.³
- **Reservation for Women in the NCT of Delhi:** The new Act also provides for the insertion of a new clause to the Constitution of India, i.e., Article 239AA, which provides special status to the Union Territory of Delhi as the National Capital in relation to its legislative functioning and administration.³

The Act also amended Article 239AA(2)(B) as a consequence to add the clause that all the laws framed by parliament shall apply to the National Capital Territory of Delhi (NCT OF Delhi).³

- **Commencement of Reservation:** The 128th amendment done to the constitution also provides for the insertion of the new Article 334A, which provides guidelines regarding the commencement of the Reservation Act 2023. It says that after the publication of this Act in the Official Gazette, when the next census will be conducted (expected to be conducted in 2026), based on that census, a delimitation process will be undertaken to reserve seats for women.³
- The reservation will be provided for a period of 15 years only from the date of commencement of this Act, which is subject to the discretion of the parliament to determine whether it should continue or not. It shall continue till such date as determined by a law made by Parliament.³
- **Rotation of Seats:** The seats reserved for women by this Act shall be rotated after each delimitation that will happen, as determined by the law made in consequence of the Act by the Indian Parliament.³
 - The actual implementation of the passed Act might take a few years since the delimitation exercise has to be done before implementing this Act, and before the delimitation exercise can be carried out, the census has to be conducted beforehand. The current number of Lok Sabhas is 543 based on the 1971 census.

The census was supposed to have been conducted in 2021, but due to COVID-19, it couldn't happen. Now, it is supposed to happen in 2026, and after that, the delimitation exercise will be done, because of which the number of Lok Sabhas may go up to 888.

KEY CHANGES BETWEEN THE 2008 AND 2023 BILLS/ACTS

There have been many instances when Women Reservation Bills were introduced in the houses of Parliament but never got passed through the process, but in 2008, they were near the passing line and also cleared the path from Rajya Sabha but never got introduced in Lok Sabha to get voted on. In 2023, the Women Reservation Bill cleared both houses and became legislation, but there have been some changes from the 2008 bill. The table below expresses the same changes:

Table 3: Key changes between 2008 Bill and Bill introduced in 2023

	Bill introduced in 2008 as passed by Rajya Sabha	Bill introduced in 2023
Reservation in Lok Sabha	One-third of Lok Sabha seats <i>in each state/UT</i> to be reserved for women	One-third seats to be reserved for women
Rotation of Seats	Reserved seats to be rotated after every general election to Parliament/legislative assembly	Reserved seats to be rotated after every delimitation exercise

Sources: The Constitution (One Hundred and Eighth Amendment) Bill, 2008; The Constitution (One Hundred and Twenty-Eighth Amendment) Bill, 2023; PRS.

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OBJECTIVES AND SIGNIFICANCE OF THE ACT

There are many objectives associated with the Women Reservation Act, 2023, and the Act is also significant in the development of society in many ways. We are going to discuss the same in a general manner only.

- 1. Gender Equality and Empowerment:** The basic and primary objective of the Act is to provide and promote gender equality in its own way and empower women by providing them with ample political representation in the political structure. Women make up nearly half of the Indian population, and ensuring reservation and their participation in decision-making and policy-making processes is a basic aspect of gender justice. The representation of women in politics is an important step towards

gender equality.³

2. **Under Representation of Women in Legislature:** Currently, in Lok Sabha, only 14% of women members are there, and globally, women occupy only 26.7% of parliamentary seats. The underrepresentation of women can be cured through the implementation of this act, and at least the minimum number of women members would rise to 33% in the Indian Parliament.³
3. **Political Participation:** The passed act aims to expand the participation and representation of women at the highest levels of government and politics. The reservation of seats for women inspires women to enter politics, contest for elections, and hold higher public offices.³
4. **Tackling Patriarchy:** The Act also challenges traditional gender roles and stereotypes associated with women by reserving seats for them. Indian society is based on a patriarchal system, and reserving seats for women challenges the patriarchal nature of Indian politics and society.³
5. **Women's Voices and Issues:** More participation and representation of women in policymaking and decision-taking structures and in legislatures often prioritises and ensures that the voices of women are heard on critical issues, including women's rights, health, education, and safety. It can achieve policies and legislation addressing gender-based violence, economic empowerment, and discrimination.³
6. **Women Role Models:** Women in leadership roles and in political offices may inspire other women and girls to pursue leadership roles in politics and in social services. Through more representation of women in politics, it may break stereotypes and inspire future generations.³
7. **Gender Inclusive Governance:** Gender diversity is important to get a diverse and broader range of perspectives and experiences in the decision-making structure and in the legislatures for better governance, excellent policy formulation, and better decision-making processes to achieve gender inclusive governance.³
8. **Social and Economic Development:** By reserving seats for women and empowering them politically, it may have positive effects on social and economic development for

women. It may also help in the formulation of policies that promote gender-sensitive developments, better access to education for girls, better healthcare, and medical assistance for women, and increase economic opportunities.³

9. Addressing Gender Disparities: After getting representation of women in parliament, women's concerns and priorities are more likely to be addressed and discussed, which can contribute to reducing gender disparity in sectors like education, employment, and healthcare.³

10. Encouragement to Political Parties: The Act will surely encourage political parties to present women leaders in actual politics and give them opportunities to contest in elections.³

11. International Commitments: There are many international agreements and conventions that talk about gender equality and empowerment of women, and India, being a democratic and socialist nation, is a signatory to most of those agreements and conventions. Implementing the Women Reservation Act 2023, indicates India's commitment towards these international obligations.³

ARGUMENTS IN FAVOUR OF THE ACT

The Women Reservation Act, 2023, is the result of debates and discussions that continued for almost three decades from the first introduction of the Women Reservation Bill in 1996. There are many arguments in favour of the bill, which supports this passed legislation and supports the idea of providing reservation for women in the Lok Sabha and State Legislative Assemblies.

The first argument in favour of the Act is that since the political parties and Indian politics are dominated by and are inherently patriarchal, taking imperative action of vital importance in the form of reservation is necessary.⁵

Secondly, because the number of women members in the legislatures is very low and they are still underrepresented, providing reservations to them will ensure that women will form a strong lobby to raise and discuss the issues and agendas that are generally ignored.⁴

Thirdly, there are many issues that are untouched and need women in decision-making and policy-making positions to address the crimes against women, which are higher in percentage,

less participation of women in the workplace, low nutrition in women, and a skewed sex ratio. To address all these issues and agendas, it is being argued that we need women in positions, and reservations might make it possible.⁸

Fourthly, providing reservation to women is important because it is estimated that the rate at which female representation is increasing would take almost 162 more years to close the political empowerment gender gap. The women's representation has just slightly changed from 5% to 15% from the first Lok Sabha to the present one.

Fifthly, the women reservation at local level elections has worked tremendously, and the participation and reservation of women have increased in a shorter period of time. Even the women representatives have worked well, from controlling liquor problems at ground level to investing in public goods and curbing corruption.⁸

Last but not least, the Reservation Act should not just be seen as legislation; it should be seen as the changing, powerful, and entrenched interests in favour of the politics of India.⁸

There are many more supportive arguments for the Reservation Act, which favours the importance of this legislation.

ARGUMENTS IN OPPOSITION OF THE ACT

There are many arguments against the Act that raise issues over this passed legislation and question the idea of providing reservation for women in the Lok Sabha and State Legislative Assemblies. Some people have been vocal in their opposition to the Act.

The first argument in opposition is that Article 14 of the Indian Constitution provides for the principle of equality and providing reservation counters the same principle enshrined in the Constitution. There is an argument that women will not compete on merit if provided with reservations, which might lower their status in society.⁵

Secondly, the women are not considered a homogenous community, unlike the deprived caste community, and the same argument shouldn't be made for reservation as it is for caste-based reservation.⁵

Thirdly, another argument made in opposition to the legislation is that reservation of seats for

women in Parliament might impose limits on the choices of voters to only women candidates, and the principle of free choice might get infringed upon due to this legislation.⁸

Fourthly, it is argued that the period for which legislation would be in existence from its commencement is only the first 15 years, but it also provides for the discretion of the parliament to decide whether it should continue or not, and because of that, in later years, it has the possibility of becoming a political agenda item and a hot topic for politics.³

CRITICISM OF THE ACT

We all know that nothing is perfect, and if there is something up to the level of perfectionism, Missing the Tile Syndrome pushes humans to find the good in the bad.

Political parties in India like the Indian National Congress (INC), Samajwadi Party (SP), and Rastriya Janta Dal (RJD) have tried to exonerate and criticise the Act as it doesn't provide for the provision of reservation of seats for other backward classes (OBC) and minorities women; they seek to ensure equal representation of these groups' women as provided for SCs and STs women. Not having representation for OBCs and other minorities in parliament might make it difficult for them to get representation equal to their population. The Geeta Mukherjee Committee (1996) suggested and put forward extending women's reservations to OBCs too.

Another criticism of the Act is that it provides that it will commence after the census is done following the delimitation of seats in Parliament, but after delimitation, it doesn't specify from which year or from which general election the Act will commence. Union Home Minister Shri Amit Shah said that after the 2024 general election, the next government will conduct a census soon after coming into power, following the delimitation process as soon as possible.

Another criticism of the Act is that it doesn't talk about the reservation of women in Rajya Sabha and State Legislative Councils. According to the data available, women are more underrepresented in Rajya Sabha compared to Lok Sabha

We hope that in the near future, all the important and considerable arguments will be considered and will also be tried to put into practice.

ALTERNATIVE METHODS TO CONSIDER FOR REPRESENTATION OF WOMEN IN INDIAN POLITICS

It has been argued by some experts that reserving seats for women would infringe the right to free choice of the voters voting in the reserved constituencies. If the choice of their representatives is not free in all aspects, that should not be termed a free and fair election. To curb this issue, there have been two alternatives suggested by some experts: reserving seats directly in the Parliament and State Legislatures.

1. There is a reservation for female candidates within each political party to contest elections. Table 1 below shows data on foreign countries and the percentage of women representatives elected in parliament through reservations in political parties or reservations directly into parliament.

Table 1: Country data on political representation of women (as of September 2023)

Country	% of elected women	Quota in Parliament	Quota in political parties
Sweden	46%	No	Yes
Norway	46%	No	Yes
South Africa	45%	No	Yes
Australia	38%	No	Yes
France	38%	No	Yes
Germany	35%	No	Yes
UK House of Commons	35%	No	Yes
Canada	31%	No	Yes
US House of Representatives	29%	No	No
US Senate	25%	No	No
Bangladesh	21%	Yes	No
Brazil	18%	No	Yes
Japan	10%	No	No

Note: In several countries, there is no law mandating quotas for women but some political parties reserve seats for women.
Sources: Inter-Parliamentary Union; PRS.

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2. To follow the dual-member constituency system, which means there should be two members of parliament from the same constituency, one would be a male member, and another would be a female member, there was a system before 1961 that allowed a dual-member constituency system with an SC/ST member.⁶ The same system can be brought back, but it would be a gender-based dual-member constituency system. See table 2 below to understand both alternatives in a better way:

Table 2: Pros and cons of reservation in political parties and dual member constituencies¹⁷

	Advantages	Disadvantages
Political parties	<ul style="list-style-type: none"> ▪ Provide more democratic choice to voters ▪ Allow more flexibility to parties to choose candidates and constituencies depending on local political and social factors ▪ Can nominate women from minority communities in areas where this will be an electoral advantage ▪ Allow flexibility in the number of women in Parliament 	<ul style="list-style-type: none"> ▪ No guarantee that a significant number of women would get elected ▪ Political parties may assign women candidates to constituencies where they are weak ▪ Might lead to resentment if a woman is accommodated to the disadvantage of a stronger male candidate
Dual- member constituencies	<ul style="list-style-type: none"> ▪ Does not decrease the democratic choice for voters ▪ Does not discriminate against male candidates ▪ Might make it easier for members to nurture constituencies whose average size is about 2.5 million people 	<ul style="list-style-type: none"> ▪ Sitting members may have to share their political base ▪ Women may become secondary persons or add-ons ▪ To fulfil criteria of 33% women, half of the seats need to be dual constituencies. This would increase the total number of MPs by 50%, which could make deliberation in Parliament more difficult

Sources: Compiled by PRS based on sources listed in endnotes in 14 and 17.

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CONCLUSION & WOMEN RESERVATION WAY FORWARD

The women’s reservation in the Parliament and State Legislative Assemblies is a debatable and contentious agenda and one that seems to divide the opinions across different societies. Nevertheless, there is not a single doubt that women have less representation in legislatures, and it is of utmost importance to discuss this issue and consider reservation as a means to uplift women's representation. Higher women's representation means higher chances of having issues related to women discussed more effectively and purposefully in policymaking.

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